



**U.S. Department of Justice**

*United States Attorney  
District of Massachusetts*

---

Main Reception: (413) 785-0235

1550 Main Street, Suite 310  
Springfield, Massachusetts 01103

November 20, 2006

Daniel Kelly, Esq.  
101 State Street  
Suite 715  
Springfield, MA 01103

Lori Levinson, Esq.  
66 West Street  
Pittsfield, MA 01201

Michael Foy, Esq.  
935 Main Street, Suite 203  
Springfield, MA 01103

**Re: United States v. Francis Keough, et al.  
CR-N-04-30032-MAP**

Dear Mr. Kelly:

This letter responds to your discovery letter, filed on June 6, 2006. As a preliminary matter, I disagree with the legal context under which you have drafted your discovery letter. Neither the caselaw that you have cited nor the Federal Rules of Criminal Procedure require me to provide a bill of particulars or identify for you in advance what documents I intend to use at trial. This is particularly true under the facts of this case. Therefore, as requested on page one of your discovery letter, the Government declines to produce requests a), b) and c).

Regarding your other requests, the Government responds as follows:

The following requests are precluded by Local Rule 116.3(D):  
1, 13d, 13f, 38 through 146;

The following requests are not discoverable under the Local Rules or Rule 16: 2, 3, 9, 11, 12, 13c, 13e, 13f, 13g, 13l, 13m, 14 through 18, 19a, 19b, 20, 21, 22, 25, 26, 35, 36, 147;

The Government does not object to discovery of the following requests: 3, 7, 28 through 33. However, there is no such information. Where applicable, the Government makes a request for reciprocal discovery under the Local Rules and/or Rule 16.

The following requests have been or will be provided in accordance with the Local Rules, Rule 16, and/or the Rules of Evidence: 4, 8, 10, 13a, 13b, 13h, 13i, 13j, 13k, 23, 24, 27, 37;

Regarding requests 5 and 34, the Government does not anticipate using Rule 404(b). To the extent that it does, notice will be provided pursuant to the Local Rules and Rule 404(b).

Very truly yours,

MICHAEL J. SULLIVAN  
United States Attorney

By:

\s\ William M. Welch II  
WILLIAM M. WELCH II  
Assistant U.S. Attorney